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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,653	02/07/2001	Yasuo Ohsawa	Q62556	9224

7590 09/02/2003

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EXAMINER

MAKI, STEVEN D

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/777,653

Applicant(s)

OHSAWA, YASUO

Examiner

Steven D. Maki

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--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: new issues: see advisory action attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 12 and 15-17.

Claim(s) rejected: 1-11, 13, 14 and 18-24.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

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advisory action attachment

new issues

In claim 1, adding --only-- before "longitudinal direction" is a new issue.

remarks

Heinen

Applicant argues that the smaller grooves in the present invention extend in the longitudinal direction only whereas Heinen extends the grooves in both the transverse and longitudinal directions. First: Applicant's arguments relate to the above identified new issue and therefore are not persuasive. Second: In paragraph 3 of the last office action, the heading should be --Claims 1-7, 9-11, 13-14 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinen (US 6415835)--; it being noted that (1) page 2 of the office action dated 4-22-03 states: "Heinen is applied as in paragraph 5 of the last office action dated 10-1-02 (paragraph 5 of the last office action is incorporated herein by reference)." and that (2) the heading of paragraph 5 of the office action dated 10-1-02 is --Claims 1-7, 9-11, 13-14 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinen (US 6415835)--. None of the claims are rejected under 35 USC 102(b) over Heinen.

Japan '704

With respect to Japan '704, applicant argues that Japan '704 is completely different from the present invention. The examiner disagrees since (1) applicant and Japan '704 form narrow and shallow grooves in the sidewall of a block, (2) applicant and Japan '704 teach using the narrow and shallow grooves to improve wet performance of

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the tire (see page 3 lines 5-8 of applicant's specification, abstracts for Japan '704) and (3) applicant and Japan '704 teach that the narrow and shallow grooves improve water drainage (see last two lines on page 76 of applicant's specification, page 12 line 5 of applicant's response filed 8-19-03 and abstracts for Japan '704).

Applicant argues that the small grooves of the present invention and the dented line of Japan '704 are completely different. The examiner disagrees. The small grooves of the present invention and dented lines of Japan '704 are not completely different because they are both relatively narrow and shallow grooves.

With respect to applicant's argument that the dimension of the dented line (shallow and narrow groove) in Japan '704 is relatively large, examiner notes that (1) Japan '704 suggests using a width and depth for the shallow and narrow grooves of 0.5 mm and 0.5 mm and (2) the depth of 0.5 mm falls within the claimed range of 0.01 to 0.5 mm for the depth of applicant's claimed smaller grooves.

Applicant argues that the object of the present invention is to intentionally generate a higher number of minute vortexes along the groove wall surface thereby decreasing friction resistance between water and the groove wall surface whereas the object of Japan '704 is to facilitate separation of vortexes, generated in the vicinity of a groove wall surface from a groove wall surface thereby preventing water from staying at the groove wall surface. First: Applicant's argument is not commensurate in scope with the claims and is therefore not persuasive since none of the claims require smaller grooves for intentionally generating a higher number of minute vortexes along the groove wall surface to thereby decrease friction resistance between water and the groove wall

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surface. Second: The object of applicant's invention and the object of Japan '704 is to improve wet performance of a tire by improving water drainage. See page 3 lines 5-8 and last two lines on page 76 of applicant's specification, page 12 line 5 of applicant's response filed 8-19-03 and abstracts of Japan '704.

With respect to applicant's comparison of Japan '705's width and the claimed pitch, the examiner merely notes that pitch is not width.

With respect to the secondary references, applicant argues that using a large number of such longitudinally extending smaller grooves and closely spacing the smaller grooves is contrary to the teachings of Japan '704. The object of Japan '704 is to improve wet performance by improving drainage. Use of a large number of closely spaced smaller grooves (using the claimed depth and pitch) is not contrary to the teachings of Japan '704 since (1) Japan '704 teaches using the smaller grooves to improve water drainage and (2) Europe '885 / Japan '633 clearly suggest using a large number of closely spaced smaller grooves to improve drainage.

Applicant is requested to provide a translation of Japan '704 (JP 3-57704) if available, it being noted that (a) Japan '704 and this application appear to have the same assignee, (b) applicant discusses Japan '704 at page 1 of the specification and (c) applicant's after final amendment filed 8-19-03 but not the abstracts of Japan '704 describe the object of Japan '704 as being facilitating separation of vortexes.

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allowable subject matter

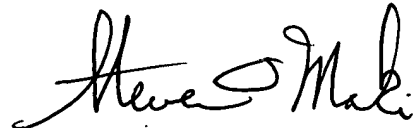
Claims 12 and 15-17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is 703-308-2068. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Steven D. Maki  
August 29, 2003

  
STEVEN D. MAKI 8-29-03  
PRIMARY EXAMINER  
~~GROUP 1300~~  
AV 1733